

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 20 - 31, 33 - 37, and 39 - 49 are pending in the application. Currently, claims 20 - 31, 33 - 37, and 39 - 49 stand rejected.

By the present amendment, claims 20 and 31 have been amended.

In the office action mailed November 23, 2010, claims 20 - 30, 35 - 37, and 39 - 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,190,131 to Robinson; and claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of U.S. Patent No. 6,077,613 to Gaffigan.

The foregoing rejections are traversed by the instant response.

As amended herein, independent claim 20 is directed to a wooden material wall, ceiling or floor panel, including a surface coating applied at least on a front side, said surface coating being a multiple layer surface coating comprising at least one layer of transparent plastic having a Shore hardness A up to 90, wherein the at least one layer of transparent plastic borders on a layer of varnish or a layer of paint or pigments and wherein the at least one layer of transparent plastic has a thickness between 20 μm and 300 μm .

With respect to the rejection of claim 20 on obviousness grounds, it should be noted that Robinson discloses a sound insulating cover for machinery. Thus, the panel shown in Robinson is not a wall, ceiling or floor panel. A review of Robinson shows that Robinson uses a soft material with a low

Shore hardness. However, this is the interior layer which is supported by the machinery. The sound insulating layer (acoustical barrier) is a heavy, elastic material. Recommended metals are thin layers of lead or metal reinforced plastic. Thus, this material is not described as having as low Shore hardness. The third and outer layer of this composite material for sound insulation purposes is a plastic (hard rubber) or bituminous material. The bituminous material has also a low Shore hardness. This layer is thin (at least 0.1 mm) and is abrasion resistant. The outer layer may also be made of polyurethane or polyethylene.

It should be noted that Robinson lacks the claimed at least one layer of transparent plastic. This feature is essentially related to the use of the wooden material panel as a wall, ceiling or floor panel. The at least one layer of plastic which borders onto a layer of varnish, a layer of paint, or a layer of pigments should be transparent in order to not affect decorative effects of these layers. This is not discussed anywhere in Robinson and Robinson has no reason to use such a layer. For this reason alone, claim 20 as amended is allowable over Robinson.

Further with respect to the obviousness rejection based on obviousness, the Examiner attempts to take official notice that machines are decorated with a variety of paints and varnishes in order to shine or advertise or to be seen. While this may or may not be true, the Examiner has failed to provide any reason why Robinson's machine must be so configured. Certainly, Robinson does not say that his machine is decorated. If the Examiner is attempting an inherency argument, it fails because Robinson's machine does not have to be necessarily decorated. Further, the Robinson material is an acoustic cladding material

which abuts a surface of the machine. When it abuts that surface, the surface is concealed from view. Thus, there is no reason why Robinson or one of ordinary skill in the art would decorate a surface which is to be covered and hidden from view. Thus, the Examiner's reason for modifying Robinson is not logical and the rejection is defective.

Claims 21 - 31, 33 - 37, and 39 - 49 are allowable for the same reasons as claim 20 as well as on their own accord. The Gaffigan reference does not cure the aforesaid deficiencies of Robinson.

The instant application is believed to be in condition for allowance. Such allowance is respectfully submitted.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response.

If the Director determines that a fee is due in connection with this response, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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